

REMARKS

Upon entry of the instant Amendment, claims 1, 3-13, 15-17 and 30 will be pending in the application. By this amendment, claim 14 and 27-29 will have been canceled and claims 1, 9, 11, 13, 15-17, 26 and 30 will have been amended. Support for the amendment to claims 1, 26 and 30 is provided in at least claim 30. No new matter is added. Reconsideration of the rejected claims in view of the above amendments and the following remarks is respectfully requested.

Present Amendment is proper for entry

Applicant respectfully submits that the instant amendment is proper for entry after final rejection. Applicant notes that no question of new matter is presented nor are any new issues raised in entering the instant amendment of the claims and that no new search would be required. Moreover, Applicant submits that the instant amendment places the application in condition for allowance, or at least in better form for appeal. Accordingly, Applicant requests the Examiner to enter the instant amendment, consider the merits of the same, and indicate the allowability of the present application and each of the pending claims. Applicant notes, in particular, that claims 1 and 26 have been amended in an effort to resolve the formal claim rejection and to recite features similar to those of claim 30 which has been indicated by the Examiner to be allowable. Furthermore, Applicant has not added more claims than were previously pending.

Allowable Subject Matter

Applicant appreciates the Examiner's indication that claim 30 contains allowable subject matter and would be allowable if presented in independent form. Accordingly, as Applicant has presented claim 30 in independent form, Applicant respectfully requests that the Examiner indicate that at least claims 30-33 are allowed. Furthermore, as claims 1 and 26 have been amended to recite features substantially similar to those of claim 30, Applicant respectfully requests that the Examiner indicate that claims 1, 3-13 and 26 are also allowed.

35 U.S.C. § 112, 1st Paragraph, Rejection

Claims 1, 3-13 and 26-29 were rejected as non-enabled because, the Examiner asserts, an insulator cannot be a resistor.

While Applicant disagrees that the noted claims are non-enabled, Applicant has, in an effort to advance prosecution, amended the claims in order to resolve this basis of rejection.

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the above-noted rejection of these claims.

35 U.S.C. § 102 Rejections***Over Kaltenborn***

Claims 1, 3-17 and 26 were rejected under 35 U.S.C. § 102(e) for being allegedly anticipated by U.S. Patent No. 6,710,699 to KALTENBORN et al.

In order to establish a *prima facie* case of anticipation under 35 U.S.C. § 102, a single prior art reference must disclose each and every element as set forth in the subject claim. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). Applicant respectfully submits that a *prima facie* case of anticipation cannot be established because KALTENBORN fails to teach each and every element of the claims.

Applicant traverses this basis of rejection for the reasons already made of record. However, in view of the fact that claims 1 and 26 have been amended to recite features substantially similar to those of claim 30 (which was indicated by the Examiner to contain allowable subject matter), Applicant submits that this basis of rejection is now moot.

Thus, Applicant respectfully submits that independent claims 1 and 26, and claims 3-13, which depend from claim 1 are allowable.

Accordingly, Applicant respectfully requests that the above-noted rejection under 35 U.S.C. § 102(e) should be withdrawn.

Over McGalliard

Claims 1, 3-12 and 26 were rejected under 35 U.S.C. § 102(b) for being allegedly anticipated by U.S. Patent No. 4,376,927 to McGALLIARD.

Again, in order to establish a *prima facie* case of anticipation under 35 U.S.C. § 102, a single prior art reference must disclose each and every element as set forth in the subject claim. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2

USPQ 2d 1051, 1053 (Fed. Cir. 1987). Applicant respectfully submits that a *prima facie* case of anticipation cannot be established because McGALLIARD fails to teach each and every element of the claims.

Applicant traverses this basis of rejection for the reasons already made of record. However, in view of the fact that claims 1 and 26 have been amended to recite features substantially similar to those of claim 30 (which was indicated by the Examiner to contain allowable subject matter), Applicant submits that this basis of rejection is now moot.

Thus, Applicant respectfully submits that independent claims 1 and 26, and claims 3-12, which depend from claim 1 are allowable.

Accordingly, Applicant respectfully requests that the above-noted rejection under 35 U.S.C. § 102(b) should be withdrawn.

Over Montgomery

Claims 1, 3-12 and 26 were rejected under 35 U.S.C. § 102(b) for being allegedly anticipated by U.S. Patent No. 5,479,147 to MONTGOMERY.

Applicant respectfully submits that a *prima facie* case of anticipation cannot be established because MONTGOMERY fails to teach each and every element of the claims.

Applicant traverses this basis of rejection for the reasons already made of record. However, in view of the fact that claims 1 and 26 have been amended to recite features substantially similar to those of claim 30 (which was indicated by the Examiner to

contain allowable subject matter), Applicant submits that this basis of rejection is now moot.

Thus, Applicant respectfully submits that independent claims 1 and 26, and claims 3-12, which depend from claim 1 are allowable.

Accordingly, Applicant respectfully requests that the above-noted rejection under 35 U.S.C. § 102(b) should be withdrawn.

Comments on Reasons for Allowance

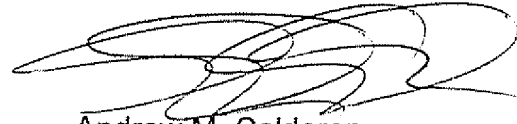
In response to the Statement of Reasons for Allowance set forth in the Office Action, Applicants wish to clarify the record with respect to the basis for the patentability of the indicated claims in the present application. In this regard, while Applicant does not disagree with the Examiner's indication that certain identified features are not disclosed by the references, Applicant submits that the claims in the present application recite a combination of features, and that the basis for patentability of these claims is based on the totality of the recited features.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant submits that all of the claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue.

The Examiner is invited to contact the undersigned at the telephone number listed below, if needed.

Respectfully submitted,
S. H. VOLDMAN

A handwritten signature in black ink, appearing to read 'Andrew M. Calderon', with a stylized, overlapping loop structure.

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